

26.11.09.04

.04 Prohibition of Certain New Fuel-Burning Equipment.

A. Areas I, II, V, and VI. Except as provided in Regulation .11 of this chapter, the following apply in Areas I, II, V, and VI:

(1) A person may not construct fuel-burning equipment designed for use of residual fuel oil in which any individual furnace has a rated heat input of less than 13 million Btu (13.7 gigajoules) per hour. Residual oil may not be used at any time in any of this fuel-burning equipment having a rated heat input of less than 13 million Btu (13.7 gigajoules) per hour.

(2) Except as provided in §C, of this regulation:

(a) A person may not construct solid fuel-burning equipment that has a rated heat input of less than 13 million Btu (13.7 gigajoules) per hour.

(b) A solid fuel may not be used at any time in any fuel-burning equipment constructed after January 17, 1972, having a rated heat input of less than 13 million Btu (13.7 gigajoules) per hour.

(3) A person may not construct fuel-burning equipment fitted with a rotary cup burner or replace a burner with a rotary cup burner.

B. Areas III and IV. Except as provided in Regulation .11 of this chapter, the following apply in Areas III and IV:

(1) A person may not construct fuel-burning equipment designed for use of residual fuel oil in which any individual furnace has a heat input of less than 13 million Btu (13.7 gigajoules) per hour. Residual fuel oil may not be used at any time in any such furnace having a heat input rate of less than 13 million Btu (13.7 gigajoules) per hour.

(2) Except as provided in §C, of this regulation:

(a) A person may not construct solid fuel-burning equipment that has a rated heat input of less than 35 million Btu (37 gigajoules) per hour.

(b) A solid fuel may not be used at any time in any fuel-burning equipment constructed after January 17, 1972 having a rated heat input of less than 35 million Btu (37 gigajoules) per hour.

(3) A person may not construct fuel-burning equipment designed to burn fuel oil with a rotary cup burner or replace a burner on fuel-burning equipment with a rotary cup burner.

C. Exceptions.

(1) Fuel-Burning Equipment on Ships and Biomass Fuel-Burning Equipment.

(a) New fuel-burning equipment on ships is exempt from §§A(1) and B(1) of this regulation.

(b) The provisions of §§A and B of this regulation do not apply to fuel-burning equipment installed after May 1, 2014 that burns only biomass fuels.

(2) General. The Department may grant an exception to the prohibitions in §A(2) or §B(2), of this regulation, if the Department determines that:

(a) There will be no violation of ambient air quality standards or Prevention of Significant Deterioration (PSD) requirements;

(b) There will be no violation of applicable emission standards;

(c) There is minimum potential for creation of a nuisance; and

(d) There is reasonable assurance of fuel quality control.

(3) Application.

(a) A person may request exception under this section by submitting an application in writing.

(b) The application shall include the following information:

(i) Description of the proposed construction or modification, including the type and manufacturer of the fuel-burning equipment, fuel specifications, expected annual fuel consumption, type and manufacturer of any control equipment, and stack height.

(ii) A contour map of the area (such as a U.S.G.S. 7.5 minute quadrangle map), a drawing of the property lines, the distance to the closest building not owned by the applicant, and a description of the surrounding area including major terrain features and building heights within 500 meters of the proposed construction.

(iii) Any other information requested by the Department.

(4) Action on an Application. Within 30 days after receipt of a completed application, the Department will either deny the request for an exception or notify the applicant of its determination to proceed.

(5) Opportunity for Public Comment.

(a) Within 10 days after notification by the Department of a determination to proceed with the application for an exception, the applicant shall notify the public by prominent advertisement in at least one newspaper of general circulation in the area affected.

(b) The advertisement shall be at the expense of the applicant, in a format approved by the Department, and shall include a brief summary of the nature of the proposed source and a statement that an exception has been requested to allow the use of solid fuel, a statement that the public has 30 days to comment on the request for an exception after the advertisement publication date, the place where the relevant documents may be inspected, the name of a person to contact for further information, and the address to which the comments may be sent.

(6) Denial or Approval of an Application.

(a) Within 60 days after the comment period, the Department will issue its final determination in the form of an order.

(b) The Department will deny an application for an exception if it determines that the proposed use of solid fuel will not satisfy the criteria in §C(2), of this regulation. The Department will specify the reasons for the denial.

(c) If the application is approved, the order will specify any reasonable conditions or special control measures to be taken by the source to minimize emissions.